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SENSITIVE
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FBI PASS TO DEPUTY DIRECTOR PISTOLE AND ASSISTANT DIRECTOR
FUENTES

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [KCRM](#) [KCOR](#) [SNAR](#) [AR](#)

SUBJECT: ARGENTINE WITNESS IN MIAMI TRIAL CONTINUES TO
COMPLAIN ABOUT FBI TREATMENT; MFA CONVOKING AMBASSADOR TO
COMPLAIN

REF: BUENOS AIRES 1380

11. (SBU) Summary: After ten days in Miami, former Airport Security Police Officer and witness in the Antonini-Wilson case, Maria Lujan Telpuk returned to Buenos Aires on October 9 and continued (reftel) to question the way the FBI intercepted and interviewed her at Miami International Airport on September 28. Telpuk, the former Argentine airport security officer who discovered Antonini-Wilson's cash-stuffed suitcase in August 2007, said she was "surprised" but not ill-treated by the FBI agents who interviewed her at the Miami airport as she traveled to the US to testify in the trial of Franklin Duran. Argentine Ambassador to the United States Hector Timerman seized on Telpuk's remarks to assert the FBI had unduly pressured Telpuk, that there had been a pattern of questionable actions taken by the FBI, and that the GOA could ask an international tribunal to review the appropriateness of FBI actions. The issue has continued to attract significant media attention. The Foreign Ministry is convoking the Ambassador to meet with Foreign Minister Taiana today, October 10, apparently to register a protest on the alleged "mistreatment" of Telpuk. End summary.

FBI Interview Upon Further Reflection...

12. (SBU) After ten days in Miami, former Airport Security Police Officer and witness in the Antonini Wilson case, Maria Lujan Telpuk returned to Buenos Aires on October 9 to a media frenzy. Telpuk gave numerous print and broadcast interviews on October 9 and 10, and offered additional details of her encounter with FBI agents at Miami International Airport reported previously in reftel. She told the press that she was "surprised" by the fact that the FBI agents looked for her upon arrival at Miami International Airport and "locked her up in a room with three FBI agents" to talk to her "for over two hours." She characterized her interview with the FBI as "a mess. One of the agents did not speak Spanish, another spoke very little, and the third (female) agent spoke the best." She asserted that "it was a very messy form of communication that served their strategy. They wanted me to contradict myself." She insisted that she was not informed of her rights or told she could refuse to answer questions. She also complained that the FBI cited portions of the interview in court. "I never thought they would behave like that," she said.

13. (SBU) Recounting what she described as the FBI agents' offer of political asylum and assistance in finding a

modeling job in the United States, Telpuk explained to the press that at first, she did not connect the FBI offer to her court testimony in the Franklin Duran trial. "That's why I thought they were very nice at first," she said. After talking to Franklin Duran's defense lawyers, however, she said that she concluded that the FBI's offers were "something similar to bribery." She added that, "Sometimes, I am very gullible. To be honest, I realized this afterwards, after I had spoken to the lawyer (of defendant Franklin Duran)... It is my impression that if I had gone to the modeling agencies (the FBI) mentioned, they would have hired me, and, the way they handle things there, everything would have changed, even my testimony." She reiterated, however, that the FBI "did not treat me badly. They didn't insist. They simply made a suggestion and told me to go to these places and that they were sure I would be lucky... Thank goodness I kept my feet on the ground and didn't accept. I think if I had accepted they would have asked me directly to change my testimony."

¶4. (SBU) On October 10, left-of-center, pro-government "Pagina 12," pro-government "Buenos Aires Economico," centrist mass-circulation "Clarín," centrist "La Prensa," and various television and radio stations reported Telpuk as saying that the FBI "protects and covers up" Antonini Wilson all the time. "Pagina 12" quoted her as saying that she was "positive they did not want (her) to testify against Antonini Wilson." In a different statement to the press, Telpuk reiterated that she was neither mistreated nor pressured by the FBI agents, but said that the experience was "not easy" and that she had been afraid.

Telpuk's Comments on the Trial Itself

¶5. (SBU) In the October 9 edition of largest circulation daily "Clarín," Telpuk complained about the tone prosecutors used with her when cross-examining her at the trial. She stated that "the prosecutors put too much focus on my private life and sought to discredit my statement." (Note: After the "valijagate" scandal first broke, Telpuk exploited her new-found celebrity to pose for the Argentine edition of "Playboy" and participate in local TV competition "Ice Skating with the Stars.") According to "Clarín," although Duran's attorney Ed Shohat succeeded in convincing Judge Lenard to reject the use of Telpuk's Playboy photos as evidence to discredit her testimony, the judge allowed prosecutors to suggest that Telpuk capitalized on "her moment of glory and fame" to make money. Despite these complaints, Telpuk expressed satisfaction at being able to "tell the truth" before the court in Miami. She told "Clarín," "My final evaluation is very positive and I hope the final result is known."

Timerman Derides U.S. Judicial Independence in the Case

¶6. (SBU) In an interview with newspaper-of-record "La Nación" published on October 9, Argentine Ambassador to the United States Hector Timerman claimed that FBI agents "pressured" Telpuk during the meeting at the airport and that these tactics raise doubts about "judicial independence in the United States." He also raised the possibility of bringing the case to an "independent international tribunal." Timerman expressed concern "that an Argentine citizen waiting in line for immigration control was taken away to be interrogated. This is not the first time this has happened, especially in Miami. In this case, the situation is worse because the person involved came to fulfill her duties with the court...it worries me that this individual could not give testimony in Court without first being pressured or questioned by agents of the Department of Justice." When asked by the press if the GOA would raise a formal protest with the State Department, he said not until Telpuk made such a request.

¶7. (SBU) Timerman also told the press that the FBI-Telpuk interview exemplifies how the FBI has mismanaged the Antonini Wilson case, and cited three additional examples: 1) "taping people without their knowledge that they are being taped by the authorities," 2) "preparing the questions Antonini used" during his meetings with the suspects, and 3) "writing the letter Antonini signed and sent to Chavez."

¶8. (SBU) He concluded that "for this reason, (the Argentine government is) completely opposed to the way in which this case is being handled and believe that if these activities are brought before an international tribunal sometime in the future, it will be shown that these tactics are not the accepted norm by the majority of countries. We do not discard the possibility (of raising the case before an international court). We would like the FBI's actions in this case to be evaluated by an independent international court. We believe that there are certain issues where Argentina has to protect its interests and the interests of its citizens, and we believe when law enforcement interrogates a witness before that witness has an opportunity to present themselves before the court casts doubts about the judicial independence of the court and whether the witness has been able to act freely and in accordance with their conscience. We believe that the (FBI's "interrogation" of Telpuk) in an airport without previous notice is an attempt to influence her response or behavior before the Court. We believe that the witness has been pressured, coerced, call it what you will. (She) did not arrive (before the Court) in full liberty to testify according to her conscience. We do not doubt her testimony, but rather the independence that the judiciary has to interrogate a witness who has previously been pressured or frightened by a police authority such as the FBI." Timerman also claimed that the Argentine government has not received an answer regarding their request to extradite Antonini-Wilson.

¶9. (SBU) On the morning of October 10, the Foreign Ministry informed the Embassy that Foreign Minister Taiana wished to convoke Ambassador Wayne to his office apparently to protest the USG's treatment of Telpuk on her arrival to Miami. The Foreign Ministry subsequently asked that the meeting be one-on-one. It will occur later on October 10, and we will report the results septel.

Comment

¶10. (SBU) Although Telpuk's statements regarding her experience with FBI agents in Miami appear to be inconsistent, they are most likely colored by the prosecutors' tough cross-examination during the trial and her subsequent conversations with Duran's defense lawyers. Her statements about not being read her rights during her interview with the FBI also reflect a poor understanding of how our judicial system operates. In the court of Argentine public opinion, however, fine legal distinctions count for little, and the GOA is eagerly describing the Telpuk incident in Miami as witness tampering in order to advance its view that this case represents a politically motivated conspiracy. The media have given this wide coverage with negative twists ion the portrayal of the U.S. justice system. On guidance provided by Washington, the Embassy has not commented.

WAYNE